UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,674	12/18/2001	Jonathan E. Schmidt	066900.000002	3270

7590 06/28/2005	EXAMINER
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ART UNIT	PAPER NUMBER
2154	

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DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 April 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-42_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-42_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _4/29/05_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-42 are subject to examination.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-40 have been considered but are moot in view of the new ground(s) of rejection.

However, Examiner would like to thank Applicant for elucidating the invention as part of the arguments presented in the amendment pages as following:

       a.   **Page 11** – "As now more clearly stated in the claims, particularly amended Claim 1, the original Web Traffic is examined by applicants' invention and the subscriber is identified. Then based on the identification, applicant's invention is adapted for adding an additional message to the original Web Traffic request of the subscriber and communicates this back to the subscriber, <u>instructing the subscriber to not only go to the originally requested site as stated in the original Web Traffic, but also to go to an additional site for a message which will then be delivered to the subscriber along with the original Web Traffic.</u>

Applicant is reminded and it is noted that the features upon which applicant relies (i.e., <u>instructing the subscriber to not only go to the originally requested site as stated in the original Web Traffic, but also to go to an additional site for a message which will then be delivered to the subscriber along with the original Web Traffic.</u>) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Also, it is evident from page 6/22, line 14-17 of the specification, "The result of this system is the ability of the provider to make use of communications to subscribers without the requirement of a special client software component to be present on the user's personal computer or other browsing device.", and supported by the above statement that "the original Web Traffic is examined by applicants' invention and the subscriber is identified.", the examining activity is not taking place at a subscriber site.

b.   **Page 12** - "whereas applicants' method preserves the subscriber request and connection to the original destination but may selectively modify it to include additional information, as well."

c.   **Page 14 and 15** – "the subject applications addresses the support application and the ability to direct alerts to specific subscribers based on current, ephemeral network identifiers or account identifiers. "

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-21, 23-26, 35-38 and 40-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Simmons (US 5, 974, 451).

Referring to claim 1,

Simmons teaches a method for communicating real-time to subscribers of an Internet Service Provider (ISP) (Fig. 2), comprising the steps of:

a.   Examining a normal flow of original web traffic data generated by the subscriber

at a subscriber site through the ISP to a destination URL requested by the subscriber;

(col. 5, line 30-47)

b.   Identifying the subscriber by using identifying data available from the subscriber

to provide a fixed subscriber identifier (col. 4, line 14-18);

c.   Providing the fixed subscriber identifier to a consolidating and management

device ((col. 5, line 30-47);

d.   Reconstructing at the consolidating and managing device the original web

traffic data from the subscriber for the purpose of transmitting to the subscriber site a

vehicle for selectively generating additional web traffic data for displaying and

communicating a message from the consolidating and management device to the

subscriber site without interfering with the original web traffic data (col. 4, line 4-8, col.

3, line 47-67, col. 6, line 15-58); and

e.   Selectively transmitting a modified message to the subscriber to cause the

inclusion of the original flow of web traffic data for connecting the subscriber to the

destination URL and, in addition, the additional web traffic data generated at the

consolidating and managing device . (Abstract, col. 4, line 4-8, col. 6, line 15-58," In

such implementations, activating a Hyper-Text link in the bulletin display (where the

bulletin supports Hyper-Text link), could cause the information display to display more

information about the bulletin.").

Referring to claim 2,

Simmons teaches the method of claim 1, wherein the message vehicle

is an area within a window on the subscriber PC's browser. (Abstract).

Referring to claim 3,

Simmons teaches the method of claim 1, wherein the message vehicle is a

prompt provided on the subscriber PC. (col. 6, line 33-38)

Referring to claim 4,

Simmons teaches the method of claim 1, wherein the fixed identifier is a unique

identifier of the subscriber. (col. 4, line 14-18).

Referring to claim 5,

Simmons teaches the method of claim 1, wherein the message is transmitted in

response to an event determined by the redirecting device. (Fig. 2, element 201,

Abstract).

Referring to claim 6,

Simmons teaches the method of claim 1, wherein the subscriber is identified

to belong to a defined group of subscribers and wherein the message is selectively sent

to a pre-selected subscriber group. (col. 4, line 1-13, col. 5, line 41-44, Abstract)

Referring to claim 7,

Simmons teaches the method of claim 1, wherein the examining step further includes

working through Web browsers irrespective of the World Wide Web destination sought

by the user identifier. (col. 4, line 4-8, col. 5, line 30-47).

Referring to claim 8,

Simmons teaches the method of claim 7, further including the step of

returning the subscriber to the original World Wide Web destination after the message

has been transmitted. (col. 6, line 33-38)

Referring to claim 9,

Simmons teaches the method of claim 1, wherein the examining step is further adapted

for working with multiple types of content.(col. 5, line 30-47)

Referring to claims 10 and 11,

Simmons teaches the method of claim 1, wherein the examining step is performed by a

hardware device that can be simply connected at various points, in plurality, in a

provider infrastructure. (Fig. 2, element 201), and the method of claim 10, further

including a plurality of said hardware devices. (col. 8, line 24-50).

Referring to claim 12,

Simmons teaches the method of claim 10, further including the step of providing

optional fail-safe operation of each device such that failure does not disrupt other

normal browsing and Internet activity of the subscriber but results only in an interruption

of bulletin delivery. (Fig. 2, col. 3, line 63-67, Bulletin Server is inherently designed,

placed and providing functionality to not to interfere other normal browsing and Internet

activity of the subscriber but results only in an interruption of bulletin delivery if failed.)

Referring to claims 13 and 14,

Simmons teaches the method of claim 1, wherein examining step is provided by a

software system installed on a computer system that is connected at various points,

singly or in plurality, in a provider infrastructure, and The method of claim13, further

including a plurality of hardware devices, each including one of said software system.

(col. 8, line 24-50, Fig. 2, element 201, (col. 8, line 24-50).

Referring to claim 15,

Simmons teaches the method of claim 13, further including the step of providing

optional fail-safe operation of each device such that failure does not disrupt other

normal browsing and Internet activity of the subscriber but results only in an interruption

of bulletin delivery. (Fig. 2, col. 3, line 63-67, Bulletin Server is inherently designed,

placed and providing functionality to not to interfere other normal browsing and Internet

activity of the subscriber but results only in an interruption of bulletin delivery if failed.)

Referring to claims 16, 17 and 18,

Simmons teaches the method of claim 1, further including the step of defining a specific

policy for controlling the selective transmission of messages to the subscriber. (col. 5,

line 34-41), and the method of claim 16, further including the step of defining a policy

Web or other page information, and the method of claim 16, further including the step of

defining a policy that includes timing and frequency of delivery. (col. 9, line 39-54).

Referring to claim 19,

Simmons teaches the method of claim 16, further including the step of defining a

policy for activating the redirecting device to deliver a message in response to a

selected subscriber activity. (col. 9, line 39-54).

Referring to claims 20 and 21,

Simmons teaches the method of claim 19, wherein the activity comprises a defined

destination, and the method of claim 19, wherein the activity comprises the amount of

activity by the subscriber. (col. 9, line 39-54).

Referring to claims 23 and 24,

Simmons teaches the method of claim 1, further including the step of generating a

plurality of independently designated policies to be delivered correctly to the subscriber

even if some policy events invoke in simultaneity, and the method of claim 23, wherein

the examining step includes the ability to acquire the knowledge of the policies and

the identifier when a Web or other request is detected with only an identifying IP

address. (col. 9, line 39-54).

Referring to claim 25,

Simmons teaches the method of claim 24, wherein the examining step is further

adapted for minimizing the overhead of acquiring subscriber parameters through

caching of the subscriber information that for a determined portion of the time. (col. 8,

line 66 through col. 9, line 54, col. 3, line 10-15).

Referring to claim 26,

Simmons teaches the method of claim 1, wherein the examining step is further adapted

for use in connection with a consolidating system management device for permitting a

group of system devices to be viewed by the provider as a single system. (Fig. 2).

Referring to claims 35, 36 , 37 and 38,

Simmons teaches the method of claim 16, further including the step of logging

successful implementation of policies to each subscriber, and the method of claim 16,

further including the step of logging interactive responses that have been requested

within the policy, and the method of claim 16, further including the steps of detecting

and logging the number of simultaneously requested Web connections, and the method

of claim 37, further including the step of flagging subscribers that are utilizing more than

one simultaneous device per subscription. (col. 5, line 31-47, col. 6, line 22-58, col. 8,

line 24-50)

Referring to claims 40, 41 and 42,

Simmons teaches the method of claim 1, wherein the message is within the requested

page as a separate frame, and the method of claim 1, wherein the message is within

the requested page as a stacking content over-laying the original page, and the method

of claim 1, wherein the message is within the requested page causing the original page

to wrap around the message content. (col. 6, line 15-58)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 22, 27, 29-34 and 39 are rejected under 35 U.S.C. 103(a) as being

Unpatentable over Simmons (US 5, 974, 451) in view of Castell et al. (hereinafter

Castell)(US 2002/0132607 A1).

Referring to claim 22,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach method of claim 19, wherein the activity comprises a request carrying the signature of virus contamination.

Castell teaches wherein the activity comprises a request carrying the signature of virus contamination. (Abstract, para.[0046],[0047])

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that the message detector applies predefined filtering rules to identify and act upon unsolicited email messages to reduce the total number of transmissions in the wireless communication system. The APB generator allows messages to be sent to wireless mobile communication devices through direct wireless messages instead of through email messages.

Referring to claim 27,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 1, wherein the identifying step uses the enforced delivery of a Web page to be used in the distribution and subscription of new subscribers without prior knowledge of the serial numbers associated with the new subscriber's interface equipment and without requiring the subscriber to utilize special software and the method of claim 27, further comprising the step of using the enforced delivery of a Web page to reduce the volume of telephone support requests by the enforced pre-announcement of known, future system outages due to scheduled maintenance.

Castell teaches the claimed elements in (para. [0049] and [0053]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that once an unsolicited message is identified by message detector, an automatic APB message can be generated by APB generator to notify and warn an intended recipient user, or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders.

Referring to claims 29, 30, 31, 32 and 33,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 27, further comprising the step of using the identifier for detection of "signature" forms of Internet packets that indicate the presence of undesirable

Content, and the method of claim 29, wherein the undesirable content is a virus, and the method of claim 29, further including the step of transmitting a message identifying the undesirable content to the provider, and the method of claim 29, further including the step of transmitting a message identifying the undesirable content to the subscriber, and the method of claim 31, further including the step of logging the undesirable content identifying message.

Castell teaches the claimed elements in (para.[0058]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to provide and enhance Simmon's Bulletin server with Castell's a message detector and an all points bulletin (APB) generator such that once an unsolicited message is identified by message detector, an automatic APB message can be generated by APB generator to notify and warn an intended recipient user, or all users, about the unsolicited message. Furthermore, global filter rules can be automatically created by the wireless congestion reduction system by updating its database with a "black-list" of known unsolicited messages or unsolicited message senders.

Referring to claim 34,

Simmons teaches the method of claim 28, wherein there is further manually accessed provider information Web site and the transmitting step includes enforcing the delivery of other subscriber-beneficial information that is currently displayed on the manually accessed provider information Web site. (col. 6, line 51-58).

Referring to claim 39,

Keeping in mind Simmons teachings as stated above, Simmons fails to teach the method of claim 16, further including the step of transmitting explanations to be issued, in an enforced manner, to subscribers, after a service interruption, in such a manner as to alleviate customer dissatisfaction by illuminating and explaining the problem and the efforts that are to be taken in the future to eliminate such problems.

Castell teaches the claimed elements in para.[0050].

Therefore, it would have been obvious to one having ordinary skill in the art at the time

of invention was made to provide and enhance Simmon's Bulletin server with Castell's a

message detector and an all points bulletin (APB) generator such that in the event that

an email virus attack cripples mail servers, APB messages can still be sent to all mobile

device users informing them of the status of the email system. Thus, there is less

reliance on messaging servers, and user frustration is minimized during an email outage

as taught by Castell.

Conclusion

Examiner's note: Examiner has cited particular columns and line numbers in the

references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested from the applicant in preparing responses,

to fully consider the references in entirety as potentially teaching all or part of the

claimed invention, as well as the context of the passage as taught by the prior art or

disclosed by the Examiner.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ashok B. Patel whose telephone number is (571) 272-

3972. The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free).

Abp
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